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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,275	02/09/2004	Franz Sieberer	2004-0129A	8571

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EXAMINER

GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,275

Applicant(s)

SIEBERER, FRANZ

Examiner

Ernesto Garcia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

The drawings were received on May 27, 2005. These drawings are not acceptable.

The drawings are objected to because the cross hatching of the pin 6 is not shown in Figures 2b, 3b, 6b, 7b, 8b, 9b, 10b, and 11b or the plane from which the cross-sectional view is taken is drawn incorrectly. Further, the circle that appears in pin 6 in Figures 2b, 3b, and 9b is misleading. If these figures show a cross-section of the pin, the circle represents a hole. However, Figure 6b, 7b, 8b, 10b and 11b, show the contrary and the hole is not actually a hole but a cylindrical projection extending perpendicular to the pin 6. Further, the dash lines beyond the cam shaped portion 8 should be solid in Figures 4a, and 6a. Currently, the dash lines meet a solid curved line.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "15" has been used to designate both an extension arm

with a first configuration (Figure 1a) and an extension arm with a second configuration (Fig. 2b, 3b, 8b, and 10b).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

Claims 1-6, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by European patent, EP-694,460.

Regarding claim 1, the European patent discloses, in Figure 3a-3c, a transport securing arrangement comprising a locking device **11** and an additional securing hook **10**. The locking device **11** is arranged in relation to the securing hook **10** in such a way that release of the locking device **11** leads to release of the securing hook from an anchorage position.

Applicant should note that the locking device **11** and the securing hook **10** are arranged such that the locking device **11** and the securing hook **10** are able to operate on a side extension arm.

Regarding claim 2, the securing hook **10** is pivotably supported.

Regarding claim 3, the arrangement further comprises a spring, which urges the securing hook **10** into an anchorage position. Note, the spring is not shown; however page 2, column 1 in line 39 the German word "Federwirkung" translates to "spring action"; thus, there must be a spring which urges the securing hook into the anchorage position.

Regarding claim 4, the locking device **11** is rotatably supported.

Regarding claim 5, the locking device **11** is able to be released by rotation of the locking device **11**.

Regarding claim 6, the locking device **11** is able to be released upon rotation of the locking device **11**. Release of the locking device is independent of a direction of rotation of the locking device **11**.

Regarding claim 8, the arrangement further comprises a spring. Note, the spring is not shown; however page 2, column 1 in line 39 the German word "Federwirkung" translates to "spring action"; thus, there must be a spring. The locking device is urged in the direction of a locking position by the spring

Regarding claim 9, the locking device **11** includes an eccentrically shaped portion (the outer edge curved portion), and the securing hook **10** partially bears against the eccentrically shaped portion **10** of the locking device **11**.

Claims 1, 4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy, 4,943,181.

Regarding claim 1, Murphy discloses, in Figures 2 and 3, a transport securing arrangement comprising a locking device **15** and an a securing hook **13**. The locking

device **15** is arranged in relation to the securing hook **13** in such a way that release of the locking device **15** leads to release of the securing hook from an anchorage position.

Applicant should note that the locking device **15** and the securing hook **13** are arranged such that the locking device **15** and the securing hook **13** are able to operate on a side extension arm.

Regarding claim 4, the locking device **15** is rotatably supported.

Regarding claim 7, the arrangement further comprises a pin **27b**. The locking device **15** has at least one guide surface **28a,28b** extending in an inclined manner relative to a longitudinal centerline of the locking device **15**. Upon rotation of the locking device **15**, the guide surface **28a,28b** slides along a pin **27b**.

Response to Arguments

Applicant's arguments filed May 27, 2005, in respect to claims 1, 4, and 7, have been fully considered but they are not persuasive.

Applicant has argued that Murphy fails to disclose "a locking device and a securing hook are arranged such that both the locking device and the securing hook are operable to act on a side extension arms of a vehicle, and wherein the locking device is

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arranged in relation to the securing hook such that a release of the locking device leads to a release of the securing hook from an anchorage position". In response, applicant should note that these two clauses are mere abstract ideas. In particular, the limitations "operable to act" and "arranged in relation to the securing hook" are very broad that no structure can be associated with these ideas. Further, applicant has failed to mention what structural feature Murphy fails to disclose. Applicant makes an allegation that Murphy's device operates different than the instant invention but has not set forth what structure is different than Murphy's device. Applicant then further argues that Murphy fails to disclose "release of a locking device leads to a release of a securing hook from an anchorage position". In response, applicant should note that the claimed invention is directed to an arrangement and not a method of using the arrangement to be given patentable weight to the operation of the locking device. Further, one skilled in the art will recognize that turning the locking device 15 will release the securing hook 13.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. In particular, the new limitation "wherein said locking device and said securing hook are arranged such that both said locking device and said securing hook are operable to act on the side extension arm" in claim 1, lines 5-6 necessitated the new grounds of rejections. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30-5:30. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



E.G.

August 16, 2005



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600